

**MINUTES  
SPECIAL MEETING  
UTILITY SERVICE BOARD  
SEPTEMBER 30, 2004**

A Special Meeting of the Utility Service Board of the City of Jasper, Indiana, was held in the Council Chambers of City Hall in Jasper at 2:00 PM on Thursday, September 30, 2004.

Due to the length of the Executive Session, the meeting, which was advertised for 1:20 PM, was called to order at 2:00 PM by Chairman Ken Sendelweck who presided.

**UPON CALL OF THE ROLL, THE FOLLOWING WERE PRESENT:**

Ken Sendelweck – Chairman  
Greg A. Krodel – Vice Chairman  
Edward J. Kreilein – Secretary  
Michael A. Schwenk – Electric Commissioner  
Jeffrey S. Theising – Water Commissioner  
Mike Harder – Wastewater Commissioner

**ALSO PRESENT:**

Jerry Schitter – Electric Distribution Manager  
Thomas A. Lents – Wastewater Manager  
Michael A. Oeding – Gas & Water Manager  
Kenneth R. Schultz – Business Manager  
Sandy Hemmerlein – City Attorney

**ABSENT:**

Dennis L. Hasenour – Gas Commissioner  
Windell Toby – Electric Generation Manager

The purpose of the Special Meeting was to make a determination from matters discussed at the Executive Session.

Sandy Hemmerlein confirmed that the Executive Session was held at 1:00 PM to discuss the strategy with respect to initiation of litigation or litigation which is either pending or has been threatened specifically in writing.

Hemmerlein reminded the Board that there has been an on-going issue with regards to the contract that we had signed with Titan Contracting for the Southwest Sewer Project. Titan defaulted on that contract and Cincinnati Insurance was the holder of the performance and payment bond; therefore, we sought assistance from Cincinnati Insurance with regards to finalizing the project. We have attempted on several occasions to contact Cincinnati Insurance to discuss a resolution of any matters that are still outstanding with regards to that contract, but that has been to no avail.

Hemmerlein said the decision before the Board today is if they want to grant authority to her and our special counsel Bob Hoffman to place this matter into litigation, either through filing a complaint against Cincinnati Insurance and Titan Contracting, or by filing a counter complaint if a lawsuit is filed first by Cincinnati Insurance against us.

Chairman Sendelweck commented that this is a further attempt to get Cincinnati Insurance, who has been non-responsive in the past, to come to the table to discuss this matter, and he doesn't think we have any other options other than filing this lawsuit.

Ed Kreilein made a motion to authorize Sandy Hemmerlein and special counsel Bob Hoffman to proceed with filing a claim for litigation, relative to the liquidated damages, and/or to respond and counter claim if they do so first. Mike Schwenk seconded the motion. Motion approved, 6-0.

#### **QUOTE RESULTS – IRELAND METER PIT** (A-95)

Mike Oeding reported he would be proceeding with the low quote from Engineered Fluid, Inc. for the Ireland meter pit.

#### **SLUDGE REMOVAL** (A-99)

Mike Oeding stated that the sludge removal process would be an on-going process. Last year the sludge had to be hauled and disposed of at Blackfoot Landfill because we didn't have a permit. Oeding said the landfill charges last year were over \$30,000 and the hauling charges from Lechner's were over \$17,000.

Oeding said he received three prices and options from Lechner's for hauling the sludge.

1. \$6.00 per cubic yard – On-site disposal – a permit is not required if the sludge is contained on site.
2. \$8.50 per cubic yard – Knies property on Cathy Lane – they have an on-going permit, but they don't really want the sludge because they are not actively filling the area now.
3. \$8.50 per cubic yard – Hochgesang property on S. Newton St. – they have a 3-year permit.

Oeding said Hochgesang's have filed for their permit and they should receive it any day. The Water Utility has already applied to IDEM to use Hochgesang's site as an exception to the Water Utility permit.

Oeding commented there would be no disposal fees, only hauling fees.

Mike Schwenk made a motion to allow Mike Oeding to proceed with the sludge removal process as presented, pending receipt of the permit. Jeff Theising seconded the motion. Motion approved, 6-0.

**QUOTE RESULTS – NEW SUV – ELECTRIC DISTRIBUTION** (A-215)

Jerry Schitter reported that after review of the SUV quotes opened at the last meeting, Uebelhor & Sons submitted the low quote of \$19,950.00 for a 2005 Chevy Equinox.

Mike Harder made a motion to allow Jerry Schitter to proceed with the low quote of \$19,950.00 from Uebelhor & Sons. Jeff Theising seconded the motion. Motion approved, 6-0.

There being no further business to come before the Board, the special meeting was adjourned at 2:12 PM upon motion by Jeff Theising and second by Ed Kreilein. Motion approved, 6-0.

Attest: \_\_\_\_\_  
Secretary Chairman